

To:  
Hon. John Hager  
Hon. Jean Jensen  
and the esteemed members of the GR/EB Workgroup,

September 30, 2015

Dear members,

## **Improving Election Integrity**

The expansion in scope and complexity of election law and practices has made obsolete the 1970's model for conducting elections in Virginia. Forty years ago it was reasonable to expect a random group of three citizens to conduct elections. The common qualification of the three members is that they be recommended by one of the two major political parties and that they be registered to vote. The requirements to conduct good elections have greatly surpassed the average competency of three random citizens that devote but a few hours a month to elections.

In practice there is a substantial range of competency of electoral boards between jurisdictions. Some jurisdictions are fortunate to have electoral board members that are diligent, capable and devote the time necessary to understand election processes, procedures and laws. Other jurisdictions are not so fortunate and may have electoral board members that are at best blissfully silent and at worst dangerously incompetent. There is a risk of electoral board members allowing their ego to supersede election integrity.

How to protect the Commonwealth from election disaster?

1. Create a mechanism within §24.2-103 requiring local electoral board members as individuals and the general registrar to self report to the State Board of Elections all violations to the practices, proceeding, legality and purity in any election. Any reported violation must be based on facts with reasonable accuracy and detail sufficient to withstand the procedures to remove an electoral board member outlined in §24.2-234 & 235.
2. Clarify that the Director of Elections is the primary authority in the conduct of elections and that the electoral board authority is limited to:
  - a. Appointing the Director of Elections for a set term
  - b. Removing the Director of Elections only for cause outlined in law
  - c. Requiring the Director of Elections report to the electoral board upon request, the status of election preparation, including processes and procedures and compliance with all pertinent law. Such reports will be reasonable in scope and provided on a timely basis.
  - d. Request the Director of Elections respond to all inquiries questioning the integrity of elections.
3. Alternate to #2 would be to require any delegation of electoral board duties under §24.2-114(18) must be assigned by majority vote in a public meeting at least 180 days prior to election day. The delegation of duties must be assigned at a minimum of once each time a GR is appointed or re-appointed.
4. Require electoral board members demonstrate competence in elections such as written exams.

The general concept that opposing political parties monitor the integrity of elections is sound if the parties focus on that common goal. Unfortunately, today there are two threats to election integrity in the Commonwealth. The first is tinkering with election processes in an attempt to gain political advantage. The second threat is electoral board members as individuals or as a board, assuming authority they not possess, through incompetence threaten the integrity of the election. The most common transgressions in this area are

vote security issues such as chain of custody security violations and disrupting election processes. The worst transgressions frequently include countermanding proven procedures.

No threats to the integrity of elections can be ignored. The current electoral board system is one of the Commonwealth's largest threats.

Kevin Linehan  
Fairfax, VA